



Lewes District Council

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MINUTE EXTRACT

Travellers Working Group - Tuesday, 5 June 2007

6 Draft Protocol for Responding to Gypsy and Traveller Encampments, including the Sussex Police Joint Protocol

The Working Group considered Report No 91/07 relating to the draft protocol for Lewes District Council when responding to Gypsy and Traveller encampments (as set out at Appendix 1 to the Report) and the Sussex Police Unauthorised Camping protocol (as set out at Appendix 2).

Regarding the Council's draft protocol, the Environmental Health Manager explained that the East Sussex Traveller Strategy had replaced Lewes District Council's Strategy for Gypsies and Travellers last year. The Working Group had requested that a revised protocol be drawn up which set out how the Council would deal with Gypsies and Travellers, including an approach for managing or evicting unauthorised encampments within Lewes District.

Regarding the Sussex Police protocol, councillors' attention was drawn to paragraph 2.8 which stated:

'The general responsibility to conduct welfare enquiries to inform enforcement decisions rests with the Local Authorities.'

The Senior Legal Assistant advised that there was no obligation on the owners of private land to carry out welfare enquiries before an eviction. The landowner could proceed to Court and obtain a possession order without involving the District Council at all. In cases where the Police were contemplating using their section 61/62 powers to evict on behalf of the landowner, then the District Council would respond to requests from the Police for welfare enquiries on a case by case basis, as set out in the Council's draft protocol at paragraph 3(i):

'...Council officers may conduct welfare enquiries on behalf of the Police in cases where this is (i) requested; and (ii) adjudged necessary by the Authorised Officer in consultation with the District Solicitor. The results of those enquiries will be given to the Police for their

consideration and further action.'

The Chair felt that the words 'adjudged necessary' were ambiguous and asked that the Senior Legal Assistant amend the wording to provide more clarification.

Councillor Davy asked that it be included in the Notes that she would be liaising with the Environmental Health Manager, Chailey Parish Council and the North Common Freeholders regarding the implications arising from the Council agreeing to take responsibility for unauthorised encampments on the Commons as referred to in the protocol.

Resolved:

- 6.1** That Cabinet be recommended to adopt the protocol, as set out at Appendix 1 to Report No 91/07, for use by Lewes District Council when responding to Gypsy and Traveller encampments within the Lewes District area, subject to the inclusion of 'Lead Councillor for Communities' as a consultee in the second sentence of paragraph 1(iii); and
- 6.2** That the adoption of the Sussex Police Unauthorised Camping Protocol, as set out at Appendix 2 to Report No 91/07, be accepted subject to informing Sussex Police of the Council's own protocol with regard to welfare enquiries as set out in paragraph 3(i) of the Council's internal procedure for responding to unauthorised encampments.

Note: Please see attached document for information for Cabinet.